

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference GP040022	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> FOR FURTHER ACTION </div> <div> see Form PCT/ISA/220 as well as, where applicable, item 5 below. </div> </div>	
International application No. PCT/KR2004/001246	International filing date (<i>day/month/year</i>) 27 MAY 2004 (27.05.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 26 JULY 2003 (26.07.2003)
Applicant MEDEXGEN CO., LTD et al		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☒ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1A
- ☒ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/KR2004/001246

Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of :

a. type of material

☒

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☒

in written format

☒

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed

☒

filed together with the international application in computer readable form

☐

furnished subsequently to this Authority for the purposes of search

2. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

3. Additional comments:

A. CLASSIFICATION OF SUBJECT MATTER**IPC7 C07K 14/52, C07K 14/71**

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC: C07K, C12N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean Patents and Applications for Inventions since 1975Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
PubMed, Delphion, CA**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	Smulevich, G., et al. "Characterization of recombinant horseradish peroxidase C and three site-directed mutants, F41V, F42W, and R38K, by resonance Raman spectroscopy" Biochemistry, 1994, Vol. 33(23): pages 7398-7407, See entire document.	1 2-37
X A	Wu, H., et al. "Kinetic and structural analysis of mutant CD4 receptors that are defective in HIV gp120 binding" Proc. Natl. Acad. Sci. USA, 1996, Vol. 93(26): pages 15030-15035, See entire document.	1 2-37
A	Delorme, E., et al. "Role of glycosylation on the secretion and biological activity of erythropoietin" Biochemistry, 1992, Vol. 31(41): pages 9871-9876, See entire document.	1-37
A	Carakushansky, M., et al. "A new missence mutation in the growth hormone-releasing hormone receptor gene in familial isolated GH deficiency" Eur. J. Endocrinol., 2003 Jan, Vol. 148(1): 25-30, See entire document.	1-37

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

13 SEPTEMBER 2004 (13.09.2004)

Date of mailing of the international search report

14 SEPTEMBER 2004 (14.09.2004)

Name and mailing address of the ISA/KR



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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

LEE, Sei-Jin

17th Floor, City Air Tower 159-9 Samsung-dong, Gangnam-gu Seoul 135-973 Republic of Korea

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	14 SEPTEMBER 2004 (14.09.2004)
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Applicant's or agent's file reference
GP040022

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/KR2004/001246

International filing date (day/month/year)
27 MAY 2004 (27.05.2004)

Priority date(day/month/year)
26 JULY 2003 (26.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC7 C07K 14/52, C07K 14/71

Applicant

MEDEXGEN CO., LTD et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



Korean Intellectual Property Office
920 Dunsan-dong, Seo-gu, Daejeon 302-701,
Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

PARK, JEONG UNG

Telephone No. 82-42-481-8159



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

international application No.

PCT/KR2004/001246

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☒ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☒ in written format
☒ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☒ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2004/001246

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-37	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-37	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-37	YES
	Claims	None	NO

2. Citations and explanations :

The present invention relates to a method of improving efficacy of biological response-modifying cytokines. The substitution of valine for pheylalanine in the sequence of the natural cytokines improves the biological response and the binding affinity.

The following documents have been considered for the purpose of this report:

D1: Biochemistry, 33(23): 7398-7407 (14 June 1994)

D2: Proc. Natl. Acad. Sci. USA, 93(26): 15030-15035 (24 December 1996)

1. Novelty

Claim 1 relates to proteins replacing valine for phenylalanine to improve the biological efficacy. However, the subject-matter of claim 1 does not appear to be novel, because D1 and D2 disclose proteins replacing valine for phenylalanine to modify the property of natural proteins. Therefore, the subject-matter of claim 1 is not considered to be novel under PCT Article 33(2).

2. Inventive Step

The prior art documents do not teach or suggest the substitution method of valine for pheylalanine in the sequence of the natural cytokines. Therefore, the subject-matter of claims 2-37 is considered to involve an inventive step under PCT Article 33(3).

3. Industrial Applicability

The subject-matter of claims 1-37 is considered to be industrially applicable under PCT Article 33(4).